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Attorneys for Intervenor-Plaintiff, Martha Nyakim Gatkuoth

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

-----X
EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :

Intervenor-Plaintiff, :

-against- :

TAVERN ON THE GREEN LTD. P'SHIP :
(D/B/A TAVERN ON THE GREEN), :

Defendant. :

-----X
MARTHA NYAKIM GATKUOTH, :

Intervenor-Plaintiff. :
-----X

ECF CASE

Civil Action No.: 07 CIV 8256

INTERVENOR-PLAINTIFF'S
INITIAL DISCLOSURES
PURSUANT TO RULE 26(a)

TO: Kam S. Wong, Esq.
Elizabeth Anne Grossman, Esq.
U.S. Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor
New York NY 10004
(212) 336-3703

Mara Levin, Esq.
David Feuerstein, Esq.
Attorneys for tavern on the Green
2 Park Avenue
New York NY 10016
(212) 592-1400

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, Intervenor-Plaintiff,

MARTHA NYAKIM GATKUOTH ("Intervenor-Plaintiff") makes the following disclosures:

A. The name and, if known, the address and telephone numbers of each individual likely to have discoverable information that the Plaintiff-Intervenor may use to support her claims or defenses, unless solely for impeachment:

1. Luz A. Bohorquez
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
2. Yocaira Taveras
559 West 172nd Street #32b
New York NY 10032
(347) 865-8460
3. Ada Mehia
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
4. Chadsuda Yuteng
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
5. Lee Marino
3125 30th Street No. B25
Astoria New York 11106
(718) 753-8062
6. Christopher Clorody
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
7. Kerry Robin Shore
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
8. Leon Drogy
(Address unknown)
9. Michael Desiderio
C/o Tavern on the Green
Central Park West at 67th Street

New York NY 10023

10. Bismark Irving
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
11. Steve Miller
C/o New York Hotel and Motel Trades Council, AFL-CIO
708 Eighth Avenue
New York NY 10036
(212) 492-3418
12. Osiris Saldivar
C/o Tavern on the Green
Central Park West at 67th Street
New York NY 10023
13. Lea E. DeFrancisci, MD
St. Vincent's Hospital
Behavioral Health Services
144 West 12th Street
New York NY 10011
(Last known address)
14. Monica Pombo, LMSW
Witness Aid Services Unit
Counseling Department
One Hogan Place
New York NY 10013
(212) 335-9633
15. Various therapists/counselors (names unknown):
Members Health Assistance Program
305 West 44th Street
4th Floor
New York NY 10036
(212) 237-3037 (x 1)
16. Unknown psychiatrist
Referred to Intervenor-Plaintiff by
Members Health Assistance Program
Harlem, New York

B. A copy of or a description by category and location of all documents, data compilations, and tangible things that are in Intervenor-Plaintiff's possession, custody or control and that the Intervenor-Plaintiff may use to support her claims or defenses, unless solely for impeachment:

See documents attached and bearing bates numbers KG 1000- KG 1003. Intervenor-Plaintiff has in her possession a digital recording containing multiple conversations spanning the period March 1, 2004 through and including March 8, 2004, between Intervenor-Plaintiff and Leon Drogy, former Director of Operations of Defendant, and Intervenor-Plaintiff and other employees of Defendant. This digital recording will be made available for review and inspection at Intervenor-Plaintiff attorneys' offices. Documents bearing bates numbers KG 1004- KG 1023 have not been produced pursuant to attorney-client privilege. These documents are described in the Intervenor-Plaintiff's privilege log served herewith.

C. Computation of Intervenor-Plaintiff's Damages:

Compensatory damages

(i) Lost Wages and Benefits

For the period commencing January 2004- May 2005, Intervenor-Plaintiff claims the sum of not less than \$8,060.00. All such damages are continuing.

(ii) Pain & Suffering/Mental Anguish

Subject to proof presented at trial.

(iii) Other Non Pecuniary Loss

Subject to proof presented at trial.

Punitive damages

Subject to proof presented at trial.

Attorneys Fees

Subject to proof presented at trial.

D. The Ability to Copy and Inspect the Contents of Any Pertinent Insurance Agreement:

Not Applicable.

E. Amendments:

Intervenor-Plaintiff reserves the right to supplement or amend this automatic disclosure prior to discovery as may be appropriate and necessary.

Dated: New York, New York
December 7, 2007

Respectfully submitted,

SNOW BECKER KRAUSS P.C.

Attorney for Intervenor-Plaintiff, Kim Gatkuoth
605 Third Avenue, 25th Floor
New York, NY 10158
(212) 687-3860

By: 

DEREK WOLMAN (DW - 9720)

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V-Q 000258 222 0000416220 1

TAVERN ON THE GREEN
CENTRAL PARK AT WEST 67TH STREET
NEW YORK, N.Y. 10023

Earnings Statement



Period Ending: 11/28/2004
Pay Date: 12/02/2004

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

MARTHA NYAKIM GATKUOTH
2800 CRESTON AVE.
APT. 3D
BRONX, NY 10468

Social Security Number: 633-48-9911

Earnings	rate	hours	this period	year to date
Regular	11.5000	35.75	411.13	18,686.92
Regular	4.8600	4.25	20.66	
Overtime	17.2500	.50	8.63	225.31
Overtime	7.2900	3.00	22.62	
Tip	11.5000	18.00	207.00	658.38
OS				465.00
Gross Pay			\$670.04	20,035.61

deductions	Statutory		
Federal Income Tax	-59.26	1,066.40	
Social Security Tax	-41.54	1,242.21	
Medicare Tax	-9.72	290.52	
NY State Income Tax	-25.12	477.78	
New York Cit Income Tax	-15.53	311.00	
Other			
Diffund	-0.50	104.00	
Union	-12.37	603.53	
Tips		465.00	
Net Pay		\$505.00	

Your federal taxable wages this period are \$670.04

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TAVERN ON THE GREEN
CENTRAL PARK AT WEST 67TH STREET
NEW YORK, N.Y. 10023

Earnings Statement



Period Ending: 01/23/2005
Pay Date: 01/27/2005

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

MARTHA NYAKIM GATKUOTH
2800 CRESTON AVE.
APT. 3D
BRONX, NY 10468

Social Security Number: 633-48-9911

Earnings	rate	hours	this period	year to date
Regular	11.5000	22.00	253.01	1,557.91
Regular	4.9600	15.00	74.40	
Overtime				8.63
lol				115.00
Gross Pay			\$327.41	1,681.54

deductions	Statutory		
Federal Income Tax	-9.18		85.91
Social Security Tax	-20.30		104.26
Medicare Tax	-4.75		24.38
NY State Income Tax	-5.42		40.49
New York Cit Income Tax	-3.48		26.30
Other			
Dflund	-0.50		2.00
Union	-12.60		50.17
Net Pay		\$271.18	

Your federal taxable wages this period are \$327.41

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TAVERN ON THE GREEN
CENTRAL PARK AT WEST 67TH STREET
NEW YORK, N.Y. 10023

Earnings Statement



Period Ending: 02/13/2005
Pay Date: 02/17/2005

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 3
State: 3
Local: 3

MARTHA NYAKIM GATKUOTH
2800 CRESTON AVE.
APT. 3D
BRONX, NY 10468

Social Security Number: 633-48-9911

Earnings	rate	hours	this period	year to date
Regular	11.5000	27.25	313.38	2,485.52
Regular	4.2200	7.25	30.60	
Overtime				8.63
tot				115.00
Gross Pay			\$343.98	2,609.15

Reductions	Statutory		
Federal Income Tax	-10.84	116.21	
Social Security Tax	-21.33	161.77	
Medicare Tax	-4.99	37.83	
NY State Income Tax	-6.09	55.74	
New York Cit Income Tax	-4.00	36.73	
Other			
Dffund	-0.50	3.50	
Union	-12.60	87.97	
Net Pay		\$283.63	

Your federal taxable wages this period are \$343.98

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TAVERN ON THE GREEN
 CENTRAL PARK AT WEST 67TH STREET
 NEW YORK, N.Y. 10023

Earnings Statement



Period Ending: 02/20/2005
 Pay Date: 02/24/2005

Taxable Marital Status: Single
 Exemptions/Allowances:
 Federal: 3
 State: 3
 Local: 3

MARTHA NYAKIM GATKUOTH
 2800 CRESTON AVE.
 APT. 3D
 BRONX, NY 10468

Social Security Number: 633-48-9911

Earnings	rate	hours	this period	year to date
Regular	11.5000	30.25	347.88	2,868.12
Regular	4.9600	7.00	34.72	
Overtime				8.63
Hol				115.00
Gross Pay			\$382.60	2,991.75

Deductions	Statutory		
Federal Income Tax	-15.18		131.39
Social Security Tax	-23.72		185.49
Medicare Tax	-5.55		43.38
NY State Income Tax	-7.81		63.55
New York Cit Income Tax	-5.20		41.93
Other			
Diffund	-0.50		4.00
Union	-12.60		100.57
Net Pay		\$312.04	

Your federal taxable wages this period are \$382.60

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KG1003

INTERVENOR-PLAINTIFF'S PRIVILEGE LOG

<u>Document</u>	<u>Date</u>	<u>Description</u>	<u>Nature of Privilege</u>
KG1004-KG1023	Undated	document Client's handwritten journal	Materials prepared at the direction of legal counsel in contemplation of criminal prosecution charges